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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Lyons & Sontheimer	§	ART UNIT:
	§	1642
FILED: April 21, 1999	§	
	§	EXAMINER:
SERIAL NO.: 09/296,031	§	Sun Hoffman, L.
	§	
FOR: Diagnosis and Treatment of	§	DOCKET:
Neuroectodermal Tumors	§	D6218

The Assistant Commissioner of Patents and Trademarks  
**BOX NON-FEE AMENDMENT**  
Washington, DC 20231

#3  
KD

7-26-00

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

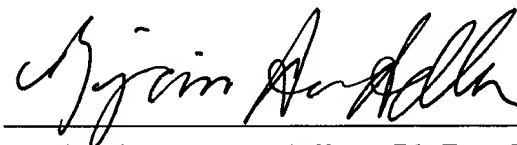
Responsive to the Restriction Requirement mailed June 19, 2000 in the above-referenced patent application, Applicants hereby provisionally elect Invention II, claims 7-14 with traverse.

Applicants hereby traverse the Restriction Requirement mailed June 19, 2000. The Examiner states that Inventions I and II are different inventions because the methods of Groups I and II differ in method objectives, method steps and parameters, and in the reagents used. The Examiner's statement notwithstanding, Applicants respectfully submit that there is a unity of invention between Inventions I and II. Both Groups of claims are based on the

observation that chlorotoxin specifically binds to tumors of neuroectodermal origin. This observed specificity provides the inventive quality in both sets of claims. For this reason, Applicants believe that a single inventive concept is intimately intertwined among Inventions I and II. Therefore, it would not unduly burden the Examiner to perform a search encompassing claims 1-14. Accordingly, Applicants respectfully request that the Restriction Requirement under 35 U.S.C. §121 be withdrawn.

Respectfully submitted,

Date: 7/18/00



Benjamin Aaron Adler, Ph.D., J.D.  
Registration No. 35,423  
Counsel for Applicant

McGREGOR & ADLER, LLP  
8011 Candle Lane  
Houston, Texas 77071  
(713) 777-2321  
badler1@houston.rr.com